

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

PRENTISS R. FULTON, JR.,

Appellant.

DOCKET NUMBER WD71820

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: December 6, 2011

APPEAL FROM

The Circuit Court of Clay County, Missouri
The Honorable Larry D. Harman, Judge

JUDGES

Division Three: Mitchell, P.J., and Smart and Witt, JJ.

CONCURRING.

ATTORNEYS

Chris Koster, Attorney General
Shaun J. Mackelprang, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent,

Susan L. Hogan, Appellate Defender
Kansas City, MO

Attorney for Appellant.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI,)
)
Respondent,)
v.) **OPINION FILED:**
) **December 6, 2011**
PRENTISS R. FULTON, JR.,)
)
Appellant.)

WD71820

Clay County

Before Division Three Judges: Karen King Mitchell, Presiding Judge, and
James M. Smart, Jr., and Gary D. Witt, Judges

Prentiss R. Fulton, Jr., appeals the judgment of the trial court, following a jury trial, wherein he was convicted of two counts of first-degree murder for the deaths of Patrick Hooten and Angela Windle, two counts of first-degree assault for the injuries to Michael Bellinghausen and Christina Smith, one count of first-degree robbery, and five counts of armed criminal action. In his single point on appeal, Fulton claims that the trial court violated his right to confront the witnesses against him by allowing Dr. Thomas Young to testify to Hooten and Windle's causes of death even though Dr. Thomas Gill was the medical examiner who performed their autopsies.

AFFIRMED.

Division Three holds:

To the extent that Dr. Young testified as to his *own* opinions and conclusions regarding the victims' causes of death, there was no hearsay introduced; thus, the Confrontation Clause was not implicated. The admission of testimony presented by Dr. Young involving conclusions or opinions reached by Dr. Gill was elicited by Fulton and does not warrant reversal. In any event, the hearsay elicited was harmless because Fulton never challenged the conclusions as to the victims' causes of death.

Opinion by: Karen King Mitchell, Presiding Judge

December 6, 2011

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.